

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

FREDERICK DANIELS, #1232542,

Plaintiff,

v.

SAM THOMAS,

Defendant.

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Civil Action No. **3:09-CV-1678-L**

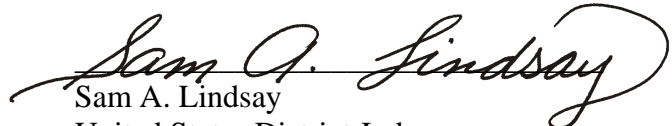
ORDER

Plaintiff filed his complaint in this civil rights action pursuant to 42 U.S.C. § 1983 on September 9, 2009. The case was referred to Magistrate Judge Wm. F. Sanderson, Jr. pursuant to Special Order 3-251 and the provisions of 28 U.S.C. § 636(b). On September 21, 2009, the magistrate judge issued an Order and Notice of Deficiency indicating that Plaintiff had failed to pay the \$350 filing fee; Plaintiff was advised that failure to make such payment could result in dismissal of his case. Plaintiff never cured the \$350 deficiency. The Findings, Conclusions and Recommendation of the United States Magistrate Judge (the "Report") was filed on November 2, 2009. Plaintiff filed no objections to the Report.

The magistrate judge recommends that the court dismiss this action without prejudice for want of prosecution under Rule 41(b) of the Federal Rules of Civil Procedure. His recommendation relies primarily on the record in this case, indicating that Plaintiff has been afforded ample opportunity to comply with the Order and Notice of Deficiency and has not done so. Accordingly, the magistrate judge concludes that the case should be dismissed for want of prosecution. The court agrees.

Having reviewed the filings, record, applicable law, and the Report in this case, the court **determines** that the magistrate judge's findings and conclusions are correct. They are therefore **accepted** as those of the court. Accordingly, the court **dismisses without prejudice** this action for want of prosecution under Rule 41(b) of the Federal Rules of Civil Procedure.

It is so ordered this 17th day of November, 2009.


Sam A. Lindsay
United States District Judge